

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF OHIO
EASTERN DIVISION**

A.S., as parent and guardian of)	Case No. 1:24-cv-00756
JANE DOE, a minor,)	
)	Judge J. Philip Calabrese
Plaintiff,)	
)	Magistrate Judge
v.)	Jonathan D. Greenberg
)	
MAPLETON LOCAL SCHOOL)	
DISTRICT, <i>et al.</i> ,)	
)	
Defendant.)	
)	

AMENDED OPINION AND ORDER

On July 15, 2024, Plaintiff filed a notice of voluntary dismissal of all counts against Defendant Mapleton Local School District. (ECF No. 14.) On September 13, 2024, Plaintiff filed a second notice of voluntary dismissal of all counts against Defendants Mapleton Local School District Board of Education, Scott Smith, and Corey Kline. (ECF No. 17.) On September 18, 2024, Plaintiff filed a notice dismissing these Defendants with prejudice. Although Plaintiff filed these notices pursuant to Rule 41, Rule 41 applies to *actions*, not individual claims or parties. Therefore, the Court treats the notices as motions under Rule 21.

Rule 21 provides that “[o]n motion or on its own, the court may at any time, on just terms, add or drop a party.” Fed. R. Civ. P. 21. Unless the parties agree otherwise, the Court generally drops a party under Rule 21 without prejudice. *See Michaels Bldg. Co. v. Ameritrust Co. N.A.*, 848 F.2d 674, 682 (6th Cir. 1988). Dismissal of a party under Rule 21 is committed to the sound discretion of the district

court. *Hiller v. HSBC Fin. Corp.*, 589 F. App'x 320, 321 (6th Cir. 2015) (per curiam) (citing *Sutherland v. Michigan Dep't of Treasury*, 344 F.3d 603, 612 (6th Cir. 2003)).

Based on the Court's review of the record, the Court sees no reason not to dismiss these defendants at this early stage of the proceedings. Further, no person has objected to their dismissal. Accordingly, the Court **DISMISSES WITH PREJUDICE** Plaintiff's claims against Defendants Mapleton Local School District, Mapleton Local School District Board of Education, Scott Smith, and Corey Kline and drops these parties from this litigation.

Plaintiff shall bear her own costs and attorneys' fees with respect to the parties dropped.

SO ORDERED.

Dated: September 18, 2024



J. Philip Calabrese
United States District Judge
Northern District of Ohio